

**SEVENTY-FOURTH LEGISLATIVE DAY  
THURSDAY, MARCH 20 2003**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Casey DuBose, Page.

**Approval of Journal**

March 20, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-third Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

March 19, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1061, S 1067, S 1068, and S 1078** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1061, S 1067, S 1068, and S 1078** and, when so signed, ordered them returned to the Senate.

March 19, 2003

Mr. Speaker:

I return herewith enrolled **H 229, H 231, and H 92** which have been signed by the President.

WOOD, Secretary

Enrolled **H 229, H 231, and H 92** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 19, 2003

Mr. Speaker:

I return herewith **H 328, H 332, H 340, H 341, H 342, H 343, H 344, H 345, H 12, H 26, H 303, H 307, H 308, and H 309** which have passed the Senate.

WOOD, Secretary

**H 328, H 332, H 340, H 341, H 342, H 343, H 344, H 345, H 12, H 26, H 303, H 307, H 308, and H 309** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

**Report of Standing Committees**

March 20, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HJM 6, HJM 7, H 375, H 376, H 377, H 378, and H 379**.

FIELD(18), Chairman

**HJM 6** was referred to the Transportation and Defense Committee.

**HJM 7** was referred to the State Affairs Committee.

**H 376** was referred to the Health and Welfare Committee.

**H 378 and H 379** were referred to the Revenue and Taxation Committee.

**H 375 and H 377** were filed for second reading.

March 20, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HJM 4, HCR 25, H 71**, as amended, **H 276, H 263, H 102, H 298, H 330, H 171, and H 291, H 67**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HJM 4, HCR 25, H 71**, as amended, **H 276, H 263, H 102, H 298, H 330, H 171, and H 291, H 67**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 20, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 59**, as amended in the Senate.

FIELD(18), Chairman

**H 59**, as amended in the Senate, was filed for first reading of engrossed bills.

March 20, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 246, H 19, and H 105** to the Governor at 1:30 p.m., as of this date, March 19, 2003.

FIELD(18), Chairman

March 19, 2003

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 365, S 1097, and S 1127** and recommend that they do pass.

BLACK, Chairman

**H 365, S 1097, and S 1127** were filed for second reading.

March 19, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1115** and report it back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

**S 1115** was placed on General Orders for consideration.

March 19, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1119** and **S 1121** and recommend that they do pass.

FIELD(18), Chairman

**S 1119** and **S 1121** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

#### **Motions, Memorials, and Resolutions**

#### **HOUSE JOINT MEMORIAL NO. 8 BY WAYS AND MEANS COMMITTEE A JOINT MEMORIAL**

TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the dictatorship of Iraq has continued to develop weapons of mass destruction in violation of United Nations Security Council Resolution 1441; and

WHEREAS, the dictator, Saddam Hussein has demonstrated a willingness to use weapons of mass destruction against neighboring nations and the citizens of Iraq; and

WHEREAS, Saddam Hussein threatens the Middle East and the global economy with the threat to use weapons of mass destruction.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we express our support for President George W. Bush, the President's cabinet, and the men and women of the United States Armed Forces for their courage and the decision to remove Saddam Hussein from power.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

#### **HOUSE JOINT MEMORIAL NO. 9 BY WAYS AND MEANS COMMITTEE**

#### **A JOINT MEMORIAL**

TO THE PRESIDENT OF THE UNITED STATES, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the United States is the greatest nation in the world and is known for its compassionate people who are generous and kind in caring for the needs of those in other countries and whose resources are used worldwide to alleviate hunger and poverty; and

WHEREAS, the United States is called upon to defend the rights and freedoms of people in other nations as only we have the capacity to do as a world superpower; and

WHEREAS, these responsibilities create an immense burden on the citizens of this country, many of whom are in need and living in poverty; and

WHEREAS, United States military forces are called upon to bear the brunt of any conflicts that may arise while other nations stay on the sidelines and expect the United States to fight their battles; and

WHEREAS, the United States provides the largest share of the financial burden for the United Nations, paying hundreds of millions of dollars each year that could be used to address many of the nation's challenges, including homelessness, education, law enforcement, poverty, a strong military and the war against terrorism; and

WHEREAS, many of the members of the United Nations are not friendly to the United States and support many things that are detrimental to the country and against its interests yet expect the United States to provide the finances and manpower to solve all of the world's problems, even putting the lives of the nation's military forces in danger; and

WHEREAS, President Bush, like Winston Churchill when he tried to call the world's attention to the dangers of Adolf Hitler, has tried to call the attention of the United Nations to the dangers of Saddam Hussein only to be ignored.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully but firmly request the United States Congress to take measures to dissolve the

membership of the United States in the United Nations, thereby freeing the nation from a large financial burden and retaining its sovereignty to decide what is best for the country and the steps that it considers appropriate as the leader of the free world, with full control of its armed forces and destiny.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**HJM 8** and **HJM 9** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 380**  
**BY WAYS AND MEANS COMMITTEE**  
AN ACT

RELATING TO PROPERTY INSURANCE; AMENDING CHAPTER 14, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1404, IDAHO CODE, TO PROVIDE THAT EVERY INSURER REGULATED PURSUANT TO CHAPTER 14, TITLE 41, IDAHO CODE, SHALL FILE A COMPLETE RATE APPLICATION WITH THE DIRECTOR WHEN THE INSURER DESIRES TO CHANGE RATES, TO PROVIDE FOR PUBLIC NOTIFICATION, TO PROVIDE FOR PUBLIC HEARINGS, TO PROVIDE PROCEDURES, TO PROVIDE NOTICE AND TO PROVIDE FOR JUDICIAL REVIEW; AND AMENDING SECTION 41-1405, IDAHO CODE, TO REVISE STANDARDS FOR THE SETTING OF RATES AND TO PROVIDE THAT IN SETTING RATES NO CONSIDERATION SHALL BE GIVEN TO THE DEGREE OF COMPETITION AND THE DIRECTOR SHALL CONSIDER WHETHER THE RATE MATHEMATICALLY REFLECTS THE INSURANCE COMPANY'S INVESTMENT INCOME.

**HOUSE BILL NO. 381**  
**BY WAYS AND MEANS COMMITTEE**  
AN ACT

RELATING TO WILDLIFE; AMENDING SECTION 36-1107, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CONTROL OF DEPREDATION OF BLACK BEAR, MOUNTAIN LION AND PREDATORS, TO PROVIDE FOR THE CONTROL OF DEPREDATION OF WOLVES, TO PROVIDE FOR DAMAGE CAUSED OR ABOUT TO BE CAUSED TO LIVESTOCK OR OTHER PRIVATE PROPERTY, TO PROVIDE FOR PRIVATE PROPERTY OWNERS, TO PROVIDE FOR THE PROTECTION OF OTHER PRIVATE PROPERTY AND TO PROVIDE THAT INDIVIDUALS MAY TAKE ACTION AGAINST DESIGNATED ANIMALS FOR THE PROTECTION AND DEFENSE OF HUMAN LIFE.

**HOUSE BILL NO. 382**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO INDEPENDENT CANDIDATES; AMENDING SECTION 34-708, IDAHO CODE, TO PROVIDE THAT A DECLARATION OF CANDIDACY AS AN INDEPENDENT CANDIDATE MUST BE FILED DURING THE PERIOD SPECIFIED IN SECTION 34-704, IDAHO CODE AND TO MAKE A TECHNICAL CORRECTION.

**H 380**, **H 381**, and **H 382** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**First Reading of Engrossed Bills**

**H 59**, as amended in the Senate, by Mr. Speaker, requested by Department of Insurance, was introduced, read the first time by title and filed for second reading.

**Second Reading of Bills and Joint Resolutions**

**H 363**, by State Affairs Committee, was read the second time by title and filed for third reading.

**H 337**, **H 338**, **H 369**, and **H 374**, by Ways and Means Committee, were read the second time by title and filed for third reading.

**S 1002**, as amended, and **S 1028**, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

**S 1139**, by State Affairs Committee, was read the second time by title and filed for third reading.

There being no objection, the House returned to the Fifth Order of Business.

**Report of Standing Committees**

March 20, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HJM 8**.  
FIELD(18), Chairman

**HJM 8** was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

**Motions, Memorials, and Resolutions**

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **HJM 8** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **HJM 8**

be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Boe, Garrett, Tilman. Total -- 3.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **HJM 8** was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills and Mr. Nielsen to open debate.

The question being, "Shall **HJM 8** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Roberts, Robison, Rydalch, Sali, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- Boe, Eberle, Ringo, Sayler. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **HJM 8** adopted and ordered the memorial transmitted to the Senate.

There being no objection, the House advanced to the Eleventh Order of Business.

### Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that **S 1093** retain its place on the Third Reading Calendar until Monday, March 24, 2003. There being no objection, it was so ordered.

**H 334** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Deal to open debate.

Pursuant to Rule 38(3), Mr. Deal disclosed a conflict of interest regarding **H 334**.

Mr. Denney moved that the House recess until 1:15 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1:15 p.m.

### RECESS

### Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prior to recess, the House was at the Eleventh Order of Business.

### Third Reading of Bills and Joint Resolutions

**H 334** was before the House for final consideration.

Pursuant to Rule 38(3), Mr. Meyer disclosed a conflict of interest regarding **H 334**.

The question being, "Shall **H 334** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Black, Block, Boe, Campbell, Collins, Cuddy, Deal, Denney, Edmunson, Field(18), Field(23), Garrett, Jaquet, Jones, Kellogg, Martinez, Meyer, Miller, Ridinger, Ring, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Snodgrass, Trail, Mr. Speaker. Total -- 31.

NAYS -- Barrett, Bauer, Bedke, Bell, Bieter, Bolz, Bradford, Cannon, Clark, Crow, Douglas, Eberle, Ellsworth, Eskridge, Gagner, Harwood, Henbest, Kulczyk, Lake, Langford, Langhorst, McGeachin, McKague, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ringo, Roberts, Robison, Rydalch, Sali, Skippen, Smylie, Stevenson, Tilman, Wills, Wood. Total -- 39.

Total -- 70.

Whereupon the Speaker declared **H 334** failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

**S 1066** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Tilman to open debate.

The question being, "Shall **S 1066** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- Campbell, Smith(24). Total -- 2.

Absent and excused -- Bedke, Lake. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1066** passed the House. Title was approved and the bill was ordered returned to the Senate.

**S 1059** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Robison to open debate.

The question being, "Shall **S 1059** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Campbell, Harwood, Kulczyk, McKague, Sali. Total -- 5.

Absent and excused -- Martinez. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1059** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Mr. Denney moved that the House adjourn until 10:45 a.m., Friday, March 21, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:35 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk

**Adjournment**